

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
PQ CORPORATION	:	VIOLATION:
	:	33 U.S.C. §§ 1317, 1319(c)(2)(Discharge of pollutants in violation of federal pretreatment requirements)

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT AT ALL RELEVANT TIMES:

1. PQ CORPORATION (“PQ”) was a privately held Pennsylvania corporation headquartered in Valley Forge, Pa., with facilities in several states, including Chester, Pa (“the Chester facility”), Baltimore, Md., and St. Louis, Mo.
2. PQ's plants in Chester, Baltimore, and St. Louis combined sand and soda ash at high temperature to create molten sodium silicate, which forms a glassy solid when it cools that is soluble in water. Soluble silicates are used, among other things, to increase the efficiency of detergents, in the manufacture of synthetic food grade silicas, as a component of adhesives, and in water treatment and purification processes. PQ’s manufacturing process produced waste water on a daily basis which contained waste solids.
3. The Chester facility disposed of its waste water by discharging it daily to a local sewage treatment plant, also known as a Publicly Owned Treatment Works (“POTW”), owned and operated by the Delaware County (Pa.) Regional Water Quality Control Authority

(“DELCORA”). The DELCORA sewage treatment plant received and treated domestic sewage and industrial or process waste water to remove pollutants before discharging the treated waste water.

4. The Clean Water Act (“CWA”) regulated DELCORA’s direct discharge of pollutants to waters of the United States through a National Pollutant Discharge Elimination System (“NPDES”) permit. 33 U.S.C. §§ 1311(a), 1342. This permit limited the types and concentrations of pollutants which DELCORA could discharge lawfully.

5. The CWA also regulated the discharge of industrial pollutants by PQ to the DELCORA sewage treatment plant under provisions which require industries to “pretreat” waste water, so that POTWs can comply with their CWA permit limits and protect their sewage collection equipment. 33 U.S.C. § 1317. DELCORA had developed and implemented a regulatory program to control industrial discharges into its sewage collection system. The U.S. Environmental Protection Agency had approved DELCORA’s pretreatment program, making its requirements federally enforceable. 40 C.F.R. § 403.5(d).

6. DELCORA’s federally-approved CWA pretreatment program required PQ to obtain a permit governing its discharge of industrial waste water. DELCORA issued an industrial discharge permit to PQ in 1994 for five years, and extended it until September 30, 2001. The permit authorized PQ to discharge up to 125,000 gallons of process waste water per day to the DELCORA POTW, subject to restrictions contained in the permit. DELCORA also required PQ to comply with municipal ordinances which prohibited industrial dischargers from reducing the capacity of the DELCORA sewer system or damaging POTW equipment through their discharges.

7. Beginning as early as 1995, PQ experienced problems in treating its process waste water sufficiently to prevent solids from settling out of solution and “plating” the sewer line with a glass-like coating.

8. Between 1995 and 2000, PQ hired a contractor more than 80 times to use high-pressure water to remove hardened solids that were clogging PQ’s pipes and sewer lines on its property. PQ washed this material downstream into the DELCORA sewer lines and a pumping station immediately adjacent to PQ’s Chester facility without notifying DELCORA about the discharges or taking steps to minimize the material’s effect on sewer lines and equipment. DELCORA issued Notices of Violation to PQ for discharges that occurred December 16, 1998; April 29 and May 14, 1999; and April 7, 2000.

9. The discharge of these concentrated “slug loads” of solids from PQ adversely affected operation of the DELCORA pumping station by damaging equipment. In addition, the discharge of these concentrated “slug loads” and the daily discharges of contaminated waste water resulted in the build up of hardened material inside DELCORA’s sewer lines, thus reducing their capacity. This required DELCORA to hire private contractors to clean out sewer lines and pumping equipment in order to maintain the system’s capacity and to replace equipment.

10. Between December 1998, and April 2000, in the Eastern District of Pennsylvania,  
the defendant

PQ CORPORATION

knowingly violated Clean Water Act pretreatment requirements by discharging waste water into  
the DELCORA POTW which contained solids in such quantities as to reduce the capacity of the  
DELCORA sewer system and damage POTW equipment.

In violation of Title 33, United States Code, Sections 1317 and 1319(c)(2).

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PATRICK L. MEEHAN  
UNITED STATES ATTORNEY